IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2069 OF 2006

Shri.Gabbu Gunshi Savla .... Appellant.

V/s.

The Municipal Corporation of Gr.Bombay .... Respondents.

Mr.Anil Singh a/w Mr.D.R.Shah for the Appellant.

Mr.J.J.Xavier for B.M.C.

CORAM : D. B. BHOSALE, J.
DATED : 20th November, 2006

P.C.

1. Heard the learned counsel appearing for the parties. The learned Counsel for the appellant, on the instructions, states that the appellant desires to unconditionally withdraw the appeal. He states that a reasonable time may be granted to enable the appellant to apply for regularisation of the disputed structure.

2. The appellant has filed an affidavit dated 20/11/2006 giving an undertaking to make an application for regularisation of the suit structure and seeking permission to withdraw the first appeal unconditionally. The affidavit is taken on record and marked as "X" for identification. Hence, the following order.

i) The appeal stands disposed of as withdrawn.

No order as to costs.

ii) The Undertaking given in the affidavit is accepted.

iii) If an application is made by the appellant for regularisation to the Competent Authority of the respondents within a period of eight weeks from today, the same shall be decided by the Competent Authority within a period of 8 weeks from the date of submission of the Application. The decision on the said application shall be communicated to the appellant at the address mentioned in the cause title of the appeal within one week from the date of decision.

iv) If the application for regularisation is made within a period of eight weeks from today, for a period of 24 weeks from today, the disputed structure shall not be demolished by the respondent-Corporation. However, if the application is not made within the stipulated time, the respondent-Corporation will be free to take action of demolition.

v) Parties to act on an authenticated copy of this order.

vi) The appeal accordingly stands disposed of as withdrawn.

(D.B. BHOSALE, J.)